

THE HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO. 19205 OF 2006

Between:

B. Karunakar Gupta

... Petitioner

And:

Commissioner of Civil Supplies,
Hyderabad and others.

... Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO. 19205 OF 2006

ORAL ORDER :

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies for respondents Nos. 1 to 3 and Sri K.V. Raghuveer, learned counsel for the 4th respondent.

The writ petition is misconceived.

The petitioner is a Fair Price Shop Dealer in respect of Shop No. 50 in Kurnool town. He also claims to be the Secretary of the Kurnool District Fair Price Shop Dealers Association. From the inception of the Ryth Bazar at Kurnool he has been running Gruha Mitra counter in C-Camp, Ryth Bazar, Kurnool. Initially for this purpose he was allotted the entire counter space of 16.9 x 40 ft in C-Camp, Ryth Bazar. While so during 2001 the Joint Collector appears to have allotted the front portion of this room to the Syndicate Bank and ever since the

petitioner is continuing his Gruha Mitra operations in the rear portion of the room. Sometime later, the 4th respondent also obtained an order for allotment of a counter under Gruha Mitra scheme and by the impugned order dated 25.8.2006 the 2nd respondent directed the Estate Officer concerned to take necessary steps to partition the present hall so as to provide one counter each to the petitioner and the 4th respondent in an amicable way and fix the rent and other terms for that purpose.

The petitioner does not show that he is entitled to continuing Gruha Mitra operations in the entire portion of the counter or in any specific space or territory under any statutory instrument. He is at best a licensee or a leaseholder, both of which are entitlements under private law. The writ petition also does not plead that this rearrangement of territorial space in the Ryth Bazar hall has been effected in contravention of the Rules under any existing tenure whereunder a lease or a license subsists in the petitioner's favour. The impugned order is merely a rearrangement of the space for co-existence by the petitioner and the 4th respondent to pursue the Gruha Mitra operations for their survival and livelihood of each of them.

No public law issue arises for consideration under Art. 226 of the Constitution. There are no merits in the writ petition, which is accordingly dismissed. Interim order dated 15.09.2006 stands dissolved. No order as to costs.

Dated: 26.03.2007

Pvsn/Tsnr
G.Raghuram

Justice